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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th April, 2015:—

I

BILL NO. XV OF 2015

A Bill to provide for compulsory notification and filling up of vacancies reserved for persons belonging to the Scheduled Castes and the Scheduled Tribes in services and posts under the Central Government and for matters connected therewith and incidental thereto.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Scheduled Castes and the Scheduled Tribes (Compulsory Notification and Filling up of Reserved Vacancies) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appointing authority" means the authority empowered to make appointment in relation to a service or a post in the offices under the Central Government and includes all establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent shares are held by the Central Government.

(*b*) "prescribed" means prescribed by rules made under this Act; and

(*c*) "vacancy" means vacancy in a service or a post reserved for the Scheduled Castes or the Scheduled Tribes in the offices under the Central Government or in establishments which are wholly owned or managed by the Central Government or in which fifty-one per cent. shares are held by the Central Government.

Compulsory notifacation of vacancies reserved for the Scheduled Castes and the Scheduled Tribes.

3. (*1*) Every appointing authority shall, within one month of the existence of a vacancy, compulsorily notify that vacancy.

(*2*) The vacancies referred to in sub-section (*1*),—

(a) besides being notified by the Employment Exchange, shall also be notified in such newspapers, including vernacular newspapers, as may be prescribed; and

(b) shall be given wide publicity on State run and other media channels.

Compulsory filling of vacancies reserved for the Scheduled Castes and the Scheduled Tribes.

4. (*1*) Every vacancy notified under section 3 shall be filled within six months from the date of notification.

(*2*) Every unfilled vacancy shall be carried forward till such vacancy is filled by the candidates belonging to Scheduled Castes or Scheduled Tribes, as the case may be and in no case shall be deserved.

Penalty.

5. Where any person responsible for implementing the provisions of the Act, intentionally contravenes any of the provisions thereof, he shall be subject to such disciplinary action as may be prescribed and shall also be liable to fine which shall not be less than fifty thouand rupees.

Power to remove difficulties.

6. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Power to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In spite of various measures taken by the Government including special drive launched to fill the vacancies reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, it has been observed that the vacancies meant for these persons remain unfilled and after some attempts, vacancies are deserved on the ground that eligible candidates are not available to fill the vacancies. It has, therefore, become necessary that legislation should be brought forward to fix the responsibility of the appointing authority and the officer concerned to take steps from time to time to compulsorily notify and fill the vacant posts meant for the persons belonging to the Scheduled Castes and the Scheduled Tribes. In case, the officer responsible fails to take steps to fill the vacancy within a reasonable time, disciplinary action may be initiated against such officer in addition to a fine of rupees fifty thousand.

Hence this Bill.

P. L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for compulsory notification and publicity of vacancies reserved for Scheduled Castes and Scheduled Tribes. Hence, the Bill, if enacted, will involve recurring expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the exact amount.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

II

BILL NO. IX OF 2015

A Bill to provide for reservation and compulsory display of seats for the children belonging to the Scheduled Castes and the Scheduled Tribes for admission in educational institutions and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the children belonging to the Scheduled Castes and the Scheduled Tribes (Reservation and Compulsory Display of Seats by Educational Institutions) Act, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*ii*) "educational institution" means a Government school or a Government aided school or a private school or an institution, by whatever name called, offering education upto primary or secondary or senior secondary level; and

(*iii*) "prescribed" means prescribed by rules made under this Act.

(*iv*) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the constitution of India.

Reservation of seats for children belonging to the Scheduled Castes and the Scheduled Tribes.

3. There shall be reserved such number of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes in every educational institution, as the appropriate Government may, by notification in the Official Gazette, specify.

Compulsory display of seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.

4. (*1*) Every educational institution shall compulsorily display the seats reserved in each class for children belonging to the Scheduled Castes and the Scheduled Tribes.

(*2*) The seats reserved under sub-section (*1*) shall be displayed outside the main gate and at every exit point of the institution in such manner as may be prescribed.

(*3*) No child belonging to the Scheduled Caste or the Scheduled Tribe, if he fulfills the eligibility conditions as prescribed under this Act, for admission shall be denied admission in any educational institution.

Penalty.

5. If any educational institution violates the provisions of this Act, the head or the chairperson of the management of such institution, as the case may be, by whatever name called, shall be subject to such disciplinary action as may be prescribed and shall also be liable to a fine which shall not be less than fifty thousand rupees.

Power to remove difficulties.

6. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

Act not to apply to minority educational institutions.

8. (*1*) The provisions of this Act shall not apply to minority educational institutions.

(*2*) Nothing in sub-section (1) [of session 8,] shall prevent a minority educational institution in extending the provisions of this Act to such institution voluntarily.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

It has been observed that the children belonging to the Scheduled Castes and the Scheduled Tribes are denied admission in the schools and other institutions for reasons of non-availability of seats. In spite of various measures taken by the Government from time to time to ensure that no child belonging to the Scheduled Castes and the Scheduled Tribes is denied admission in schools or institutions, a number of students are left out from admission process for several reasons. It has, therefore, become necessary that a legislation be brought forward to provide for statutory reservation of seats in each class for children belonging to the Scheduled Castes and the Scheduled Tribes and to fix the responsibility of the head of the school or institution concerned to display these reserved seats to facilitate admission of such children in a transparent manner. In case, the head of the school or instituiton of the chairperson of the management of the school fails to display the seats reserved on each class or denies admission to such eligible children, disciplinary action may be initiated against him in addition to a fine of not less than rupees fifty thousand.

Hence this Bill.

P.L. PUNIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

III

BILL NO. XVI OF 2015

A Bill to ensure speedy removal of social and economic disparity through targeted expenditure on special schemes for the welfare and development of the members of the Scheduled Castes and Scheduled Tribes Communities and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, and commencement.

1. (*1*) This Act may be called the Scheduled Castes and Scheduled Tribes Sub Plans (Budgetary Allocation and special schemes) Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, be notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Prescribed" means prescribed by rules made under this Act;

(*a*) "Scheduled Castes Sub Plan" means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome for Scheduled Castes;

(*c*) "Special schemes" means such schemes which focus on individual beneficiary schemes, family oriented cum income generating schemes for development of Scheduled Castes and Scheduled Tribes communities and Scheduled Castes and Scheduled Tribes

families, and for improving the physical and social infrastructure of localities, community infrastructure like special schools, for girls and boys, coaching centers, working women hostel, special libraries, health, employment, etc.

(*d*) "Tribal Sub Plan" means the process of funds allocation, identification and preparation of exclusive schemes, the expenditure on such schemes and the analysis of its final outcome for the Tribal Sub Plan for the Scheduled Tribes;

Budgetary allocation for Scheduled Castes and Scheduled Tribes.

3. (*1*) The Central Government and the State Governments shall make separate plan for budgetary allocation for the welfare and development of the members of the Scheduled Castes and the Scheduled Tribes Communities in proportion to their population at the national and state levels.

(*2*) The funds so earmarked under sub-section (*1*), shall be spent only on special schemes exclusively for the benefit of Scheduled Castes and Scheduled Tribes in such manner, as may be prescribed.

(*3*) Funds allocated under Scheduled Castes Sub Plan and Tribal Sub Plan shall not be diverted or lapse.

(*4*) The Ministry of Social Justice and Empowerment, Government of India shall be the nodal Ministry for Scheduled Castes Sub Plan and the Ministry of Tribal Affairs shall be the nodel Ministry for Tribal Sub Plan.

(*5*) The Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs shall present a separate Annual Budget and Performance Budget for Scheduled Castes Sub Plan and Tribal Sub Plan, as the case may be.

(*6*) The Department of Social Welfare or the Department looking after the welfare of Scheduled Castes and Scheduled Tribes shall work as Nodal department in each State.

Penalties.

4. Whoever contravenes any provisions contained in sub-sections (*1*), (*2*) and (*3*) of section 3 shall be guilty of wilful and deliberate act of dereliction of duty and shall be punishable under section 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 after fixing the individual responsibility. 33 of 1989.

Act to have overriding effect.

5. The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any instrument having effect by virtue of any such law.

Power to remove difficulties.

6. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions contained in this Act, as may appear to them to be necessary or expedient for the removal of the difficulty.

Power to make rules.

7. (*1*) The Central Government may, be notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The legislative efforts undertaken to close the development gap between Dalits and Adivasis and others date back to 1950, when the Indian Constitution provided opportunities for Scheduled Castes and Scheduled Tribes in the areas of education, employment in public services and electoral seats through the policy of reservation. This important measure was the first of a series of legislations enacted in favour of SCs and STs, the last of which is the Bill on Reservation in Promotions for SCs though passed by Rajya Sabha but pending in the Lok Sabha. From economic point of view, the most important policies approved so far are the Tribal Sub Plan (TSP) and the Special Component Plan (SCP), now called Scheduled Caste Sub Plan (SCSP), executive budget policies, according to which funds and resources are to be reserved across Central Ministries and Departments in the State Governments in proportion to the SC/ST population at the National and State level, as per the current census data at each respective level.

However, close scrutiny of the current situation reveals that these two policies have not been implemented effectively. The money earmarked under these policies is diverted for general scheme and does not go for funding of the schemes exclusively for the benefit of the Scheduled Castes and Scheduled Tribes. It is not surprising that Dalits and Adivasis still remain far away from mainstrem development in the Country. The literacy gap is still quite high and the droupout rate is still high. National mortality, infant mortality, child mortality and under five mortality is higher among SCs and STs than among other social groups. SCs and STs are still less equipped with the basic requirements for human survival like water and power supply facilities, latrines, sewerage, houses, etc. and poverty is still very rampant among them.

Though, small improvement in the conditions of SCs and STs has taken place over a period of time, the progress of thirty years of the initiation of the SCSP/TSP, cleraly indicate that legislators need to reckon with this sorry state of affairs and must feel obligated to take drastic steps to remedy the situation. In fact, only by making compulsory the appropriate allocation, timely and focused distribution and effective management of the funds for SCs/ STs can bring positive and substantial changes. Hence, there is a need to introduce a new piece of legislation with the objective of achieving the holistic and speedy economic development of these communities. In order to ensure speedy economic development of the member of SC&ST, it is proposed to invoke section 4 the Scheduled Castes and the Scheduled Tribes Act, 1989 against the willful defaulters.

Hence this Bill.

P.L. PUNIA

FINANCIAL MEMORANDUM

Clause 3 of the Bill envisages a separate budgetary allocation by the Central Government and the State Government for the welfare and development of the members belonging to the Scheduled Castes and Scheduled Tribes communities. Hence, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to quantify the exact amount. A non-recurring expenditure is also likely to be involved.

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MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of details only, the delegation of legislative powers is of a normal character.

IV

BILL NO. XII OF 2015

A Bill further to amend the Code of Civil Procedure, 1908

BE it enacted by Parliament in the Sixty-sixth year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Code of Civil Procedure (Amendment) Act, 2015.

(*2*) It shall come into force at once.

Amendment of section 80.

5 of 1908.

2. In the Code of Civil Procedure, 1908, after sub-section (*1*) of section 80, the following proviso be inserted, namely:—

"Provided that, if a public officer until the expiration of two months next after notice in writing has been delivered to does not give the reply or grant relief as per law to the plaintiff, which resulting into cause of litigation, such public officer shall be liable to pay the entire expenses of the litigation incurred by the State or the Central Government, as the case may be, and the responsibility of the public officer shall be fixed in such manner as may be prescribed".

STATEMENT OF OBJECTS AND REASONS

Section 80 of the Code specifies that no suit shall be instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing. The objective is to afford an opportunity to the Government or the public officer to consider the legal position and to settle the claim put forward by the plaintiff, if the same appears to be just and proper. The Government or the public officer after obtaining proper legal advice, can take an appropriate decision in the public interest within a period of two months allowed by the section, thereby saving public time and money and settling the claim without driving a person to avoidable litigation. The Supreme Court in Bihari Chowdhury vs. State of Bihar (AIR 1984 SC 1043) held that the objective of the section is the advancement of justice and the securing of public good by avoidance of unnecessary litigation. The administration is often unresponsive and shows no courtesy even to intimate the aggrieved party. Therefore, such notice has become an empty formality under section 80. The law commission also observed that in most cases, the notice given under section 80 remained unanswered till the expiry of the period of two months and in most cases, the government and public officer utilized the section merely to raise technical defenses contending either that no notice had been given or that the notice actually given, did not comply with the requirements of the section. These technical defenses appeared to have succeeded in a number of cases defeating the just claims of citizens. The Bill seeks to achieve the above objectives.

Hence, this Bill.

AVINASH RAI KHANNA

V

BILL NO. XIII OF 2015

A Bill further to amend the Indian Penal Code, 1860

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 2015.

(*2*) It shall come into force at once.

Amendment of section 304A.

45 of 1860.

2. In the Indian Penal Code, 1860 for section 304A, the following section shall be substituted namely:—

"304A. Whoever causes the death of any person by doing any rash or negligent act causing death by negligence not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years or with fine which shall not be less than fifty thousand rupees or with both:

Provided that by doing any rash or negligent driving if any person causes injury to another person and rushes that person so injured to a nearby hospital or assists the person in getting immediate medical attention but, the person so injured subsequently dies, the punishment shall be reduced and shall be decided on case to case basis.

Explanation:—For the purpose of this section, the term "motor vehicle" shall have the same meaning as assigned in the Motor Vehicles Act, 1988".

59 of 1988.

STATEMENT OF OBJECTS AND REASONS

In our country over a lakh people die every year as a result of road accidents. This problem has compounded in the metropolitan cities where violation of traffic rules are blatant. Rash driving is a regular nuisance and is responsible for fatal accidents which take place daily. It is sometimes seen that many people especially, young boys drive vehicles without caring for their own or anybody else's life. Not a single day passes when we do not hear of some accident on road. After accident of a vehicle, it is a routine feature where the driver of a vehicle speeds away in such a manner that nobody can even take note of the number of the vehicle, leaving the injured unattended or to die on the road. The Govt. is carrying out awareness campagains that if the injured be shifted to Hospital but, impact if the driver who shifted the injured to the hospital is given some relief, then the life of so many people could be saved if timely medical assistance in nearby hospital is provided to the injured by the driver or the owner of the vehicle, his life could be saved. There is considerable anger in public about the rising number of casualties in road accidents. Presently such offences are tried as general crime under Indian Penal Code and punishment provide for such act is not proportionate to the gravity of the offence committed. In the absence of any stringent legal framework, the persons responsible for rash and negligent driving are let off easily. Therefore, it is proposed that section 304A may be amended suitably so that drivers be given some relief in punishment for shifting. The injured to the hospital besides preventing cases of rash and negligent driving.

Hence, this Bill.

AVINASH RAI KHANNA

VI

BILL NO. XVII OF 2015

A Bill to provide for social security and welfare measures for Farmers and agricultural workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Farmers and Agricultural Workers Social Security Act, 2015.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "agricultural produce" include, paddy, wheat, coarse cereals, pulses, sugarcane, gram, cotton, oilseeds, vegetables, fruits, jute, coconut, tobacco, areca nuts and such other agricultural produce as may be notified by the Central Government from time to time and also "seed" as defined in the Seeds Act, 1966; 54 of 1966.

(*b*) "agricultural worker" means a person who is engaged in agricultural occupations like raising crops, dairy, farming, horticulture, poultry, etc. on payment of wages;

(*c*) "appropriate Government" means in the case of a State, the Government of the State and in all other cases, the Central Government;

(*d*) "Board" means the National Farmers and Agricultural Workers Social Security Advisory Board constituted under section 4;

(*e*) "farmer" means a person who owns land and cultivates or causes it to be cultivated for agricultural or horticulture purposes and includes small and marginal farmers as identified by the appropriate Government;

(*f*) "Fund" means the National Farmers and Agriculture Workers Welfare Fund established under section 6;

(*g*) "old age farmer or agrucultural worker" means a farmer or agricultural worker who has completed sixty years of age; and

(*h*) "prescribed" means prescribed by rules made under this Act.

Framing of welfare schemes for farmers and agricultural workers.

3. The Central Government shall formulate, from time to time, suitable welfare schemes for farmers and agricultural workers on the matters relating to—

(*a*) Insurance covering life (death as well as suicide) and disability;

(*b*) health and maternity benefits;

(*c*) provident fund; and

(*d*) pension to old age farmers and agricultural workers.

Constitution of the National Farmers and Agricultural Workers Social Security Advisory Board.

4. (*1*) The Central Government shall, by notification in the Official Gazette, constitute a National Farmers and Agricultural Workers Social Security Advisory Board to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(*2*) The Board shall consist of the following namely:—

(*a*) a Chairperson to be appointed by the Central Government;

(*b*) two representatives of farmers to be nominated by the Central Government;

(*c*) two representatives of agricultural workers to be nominated by the Central Government; and

(*d*) the Secretary to the Government of India in-charge of the Ministry of Agriculture shall be the ex-officio Member-Secretary to the Board.

(*3*) The salary and allowances payable to and other terms and conditions of service of the Chairperson and members of the Board shall be such as may be prescribed.

(*4*) The Central Government shall make available to the Board such number of officers and staff as may be required for efficient functioning of the Board.

Functions of the Board.

5. The Board shall perform the following functions:—

(*a*) make recommendations to the Central Government to formulate and implement suitable schemes for the welfare of farmers and agricultural workers;

(*b*) advise the Central Government on such matters arising out of the administration of this Act as may be referred to it;

(*c*) advise the Central Government regarding administration of the Fund; and

(*d*) undertake such other functions as may be assisgned to it by the Central Government from time to time.

Establishment of the National Farmers and Agriculture Workers Welfare Funds.

6. (*1*) There shall be constituted by the Board a fund to be called the National Farmers and Agricultural Workers Welfare Fund with an initial corpus of rupees fifty thousand crore to provided by the Central Government, after due appropriation made by the Parliament by law in this behalf for carrying out the purpose of this act.

(2) The Central Government and State Governments shall contribute to the Fund in such proportion as may be prescribed.

(3) The fund also shall comprise all sums received by the Board from such other sources as may be decided by the Central Government.

Utilization of Fund.

7. The fund shall be utilized to provide financial assistance to the farmers and agricultural workers for the following purposes—

(*a*) compensation in case of death, suicide or accident;

(*b*) old age pension;

(*c*) disability assistance; and

(*d*) free health care facility to the farmers and agricultural workers and their family members.

Act to have overriding effect.

8. The provisions of this Act and the rules made thereunder, shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

9. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

(*2*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one seassion or in two or more succesive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The Poor farmers with small cultivable area of land and without any cultivable land live a miserable life. They work either on their small land or on daily wages on the farms of others. The wages of landless farmers are too low. They belong to the class of have-nots, although they are the very backbone of our agriculture. They have a handful of children and a bagful of debts. They are the worst victims of our society. These farmers are like seeds that not themselves to give fruits and flowers to others.

Our real farmers are these small farmers and agriculture workers. They are known by their very look. It is a look of despair. They look more dead than alive. There is hardly a line of smile on their faces or a ray of hope in their hearts. They are hungry and almost naked. The National Farmers Commission has recently highlighted that nearly one lakh fifty thousand farmers have committed suicides in the country since 1990. A large number of cases of suicides by farmers have taken places in Andhra Pradesh, Chhattisgarh, Madhya Pradesh, Maharashtra, Tamil Nadu and some other states. Acute poverty and indebtedness is one of the major factors for farmers for taking the extreme step of committing suicide. After death or suicide of the only bread earner of the family, the family of such poor farmer or agricultural workers leads a life an abject poverty.

Though Government has formulated a number of schemes for agricultural sector inclduing crop insurance, kisan credit card etc. yet in case of death or suicide, the family of such small farmer or agricultural worker does not get any relief from the Government or any other body and are constrained to fall in the trap of abject poverty. Hence, there is an immediate need to formulate certain welfare measures by the Government to provide immediate relief to the affected family of the farmer or agricultual worker. A National Farmers and Agricultural Workers Welfare Fund is required to be established for removal of indebtedness and abject poverty among small farmers and agricultural workers and their families.

The Bill seeks to achieve the above objectives.

RENUKA CHOWDHURY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides formulation and implementation of certain welfare schemes for farmers and agricultural workers for carrying out the purposes of the Act. Clause 6 provides for the constitution of a National Farmers and Agricultural Workers Welfare Fund with a initial corpus of fifty thousand crore rupees to be provided by the Central Government. It further provides that the Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an initial non-recurring expenditure of rupees fifty thousand crores will be incurred.

A recurring expenditure of rupees ten thousand crores will also be incurred per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XIV OF 2015

A Bill Further to amend the Constitution of India.

Be it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (*i*) The Act may be called the Constitution (Amendment) Act, 2015. Short title, and commencement.

(*ii*) It shall come into force at once.

2. In the Eighth Schedule to the Constitution, existing entries 16 to 22 shall be re-numbered as entries 17 to 23 respectively and before entry 17 as so re-numbered, the following entry shall be inserted, namely:— Amendment of Eighth Schedule.

"16. Pali."

STATEMENT OF OBJECTS AND REASONS

Pali is one of the most ancient and richest languages of India. Sanskrit being the language of the elite classes comprising a small section of the population and Pali being simple of communicate, Lord Buddha consciosly used the latter to preach his philosophical teachings to the masses. The entire Buddhist literature is in the Pali language. A significantly large number of people in India, particularly the Buddists, speak Pali. The Constitution of India has recognized Buddhists as one of the five religious minorities in India. It is gratifying that India is known to the world as the Land of Buddha. In the context of grave challenges faced by the human society, the entire world is attracted towards the Buddha's teachings of peace and non-violence. Unfortunately, this precious language embodying the cultural and philosophical heritage of India has still not found a place in the Eighth Schedule of the Indian Constitution. As a result, on the practical ground, the Union Public Service Commission (UPSC) has removed Pali language as one of the optional subjects from the list of languages, closing the doors of the UPSC examination for the thousands of relatively disadvantages and backward candidates who used to offer Pali as an optional subject.

Hence this Bill.

DR. BHALCHANDRA MUNGEKAR

VIII

BILL NO. XXIV OF 2015

A Bill to provide for recognition and regulation of the Electro Homoeopathy system of medicine in the country and to constitute a Central Council for the purpose and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Electro Homoeopathy System of Medicine (Recognition) Act, 2015.

(*2*) It extends to whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(*b*) "Central Council" means the Council set up under section 7 of the Act;

(*c*) "Central Register" means the Register of Practitioners maintained under sub-section (*1*) of section 10;

(*d*) "Electro Homoeopathy" means the systems of medicine founded by Dr. Count Cesare Mattei of Italy in the nineteenth century based on treatment of diseases by medicines made by the method of Spagyrical Cohobation (repeated distillation) by which the life force of the plants are collected in the form of micro, macro and trace elements of the herbs;

(*e*) "Prescribed" means prescribed by rules made under this Act; and

(*f*) "State Register" means the Register of Practiotioners maintained by a State Government under sub-section (*3*) of section 10.

Central Government to grant recognition to Electro Homoeopathy System of medicine.

3. The Central Government shall, by notification, within two months of the coming into force of this Act, grant recognition to the Electro Homoeopathy System of medicine to be practiced within the country.

Permission of Central Government for introduction of electro-homoeopathy as a course in educational institutions.

4. (*1*) After the recognition being granted to electo homoeopathy system of medicines, any university, Board or other medical institutions may apply to the Central Government for permission to introduce a structured course in the electro homoeopathy system.

(*2*) No university, Board or other medical institution shall open the course of study in the system, except with the previous permission of the Central Government.

(*3*) The Central Government, shall before according permission, refer the application to the Central Council set up under section 7 for its recommendations.

(*4*) On receipt of the application from the Central Government, the Central Council may obtain such particulars as may be considered, necessary by it, from the applicant and, thereafter, make its recommendations to the Central Government.

(*5*) The Central Government may, after considering the application together with the recommendations of the Central Council made under sub-section (*4*) and after obtaining, such other particulars as may be considered necessary by it from the applicant, either approve, with such conditions as may be considered necessary or disapprove the application and any such approval shall constitute a permission under sub-section (*2*):

Provided that no application shall be disapproved by the Central Government except after giving the applicant a reasonable opportunity of being heard.

(*6*) Nothing in this section shall prevent any applicant whose application has been disapproved by the Central Government from submitting a fresh application which shall be considered by it afresh.

(*7*) Where, within a period of one year from the submission of the application under sub-section, no order is communicated to the applicant, the permission of the Central Government required under sub-clause (*2*) shall be deemed to have been granted.

Factors requisite to grant of permission by the Central Government.

5. The Central Government while granting permission or otherwise shall take into account, whether,—

(*a*) the university, Board or other medical institutions seeking to open a course in the electro homoeopathy system is in a position to offer the minimum standard of medical education prescribed by the Central Council under section 10(i);

(*b*) any arrangement has been made or programme drawn to import proper training to students likely to attend such course of study or training by persons having the recognized medical qualifications;

(*c*) necessary facilities in respect of staff, equipment etc., are there to ensure the proper conducting of the course or training;

(*d*) there is requirement of manpower in the field of practice of electo-homoeopathy medicine in the medical institutions; and

(*e*) there is any other factors prescribed by the Central Govt.

Recognition of medical qualification in Electro Homoeopathy.

6. (*1*) On recognition being granted. Any university, Board or other medical institutions permitted to conduct centres of the Electro Homoeopathy System of medicine may grant such medical qualifications by awarding a degree in suit manners as may be prescribed.

(*2*) Any university, Board or other medical institutions which opens a course in Electro Homoeopathy without obtaining permission under sub-section (b) of section 4 shall not be eligible to grant medical qualifications under sub-section (i).

(*3*) Medical qualifications granted by medical institutions outside India may be recognized on a recommendation from the Central Council.

(*4*) Every university, Board or other medical institution in India which grants a recognized medical qualification shall furnish such information as the Central Council may from time to time require.

(*5*) The Central Council shall appoint such number of medical inspectors as it may deem necessary to attend any examination held by any university, Board or other medical institution for the purpose of recommending to the Central Government recognition of medical qualifications granted by the university, board or medical institution.

(*6*) If the Central Council finds on the basis of a report by the medical inspector that the examination and the courses of study conducted by the university, Board or other medical institutions do not conform to the standard prescribed by the Central Council, the Council recommendations shall make to that effect to the Central Government.

(*7*) The Central Government may upon receipt of such recommendation send it to the appropriate Government which shall forward the same to the university, board or medical institution for submitting its explanation within a stipulated time.

(*8*) After considering such explanations together with the recommendation of the appropriate Government, the Central Government may notify the withdrawal of recognition granted to that university, board or the medical institution.

Constitution of Central Council etc.

7. (*1*) The Central Government shall, by notification in the Offical Gazette constitute for the purpose of this Act a Central Council consisting of the following members, namely:—

(*a*) Three members representing the Practitioners of Electro Homoeopathy whose names are entered in the State Register of Electro Homoeopathy under section 10 (3) to be elected from among themselves from states having such Register in such manner as may be prescribed.

(*b*) whether to be nominated by the Central Government from amongst persons having special knowledge or practical experience inrespect of Electro Homoeopathy:

Provided that, until members, are elected under sub-section 1(a), the Central Government shall nominate such number of members as may be deteremined by it, being persons actively practicing Electro Homoeopathy.

(*2*) The President of the Central Council shall be elected by members of the Central Council from amongst themselves in such manner as may be prescribed.

(*3*) Election to the Central Council shall be conducted by the Central Government in accordance with such rules as may be prescribed.

(*4*) All disputes relating to any election to the Central Council shall be referred to the Central Government whose decision shall be final.

Duties and functions of the Central Council.

8. (*1*) It shall be the duty of the Central Council to prescribe the standards of Medical Education in the Electro Homoeopathy system.

(*2*) The Central Council shall consider whether a university, Board or Medical Institution is in a position to conduct courses in the Electro Homoeopathic System of Medicine and recommend accordingly.

(*3*) Any reference made to the Central Council by the Central Government shall be dealt with promptly by the Council.

(*4*) The Central Council shall meet at least once a year at such time and place as may be appointed by the Central Council.

(*5*) One third of the total number of members of the Central Council shall form a quorum in a meeting and all decisions therein shall be decided by a majority of the members present and voting.

(*6*) The Central Council shall prescribe the conditions of eligibility for a practitioner to be enrolled in the State Register of Electro Homoeopathy under sections 12 (*3*).

Term of office of the President and Members of the Council.

9. (*1*) The term of office of the President shall be five years from the date of his election:

Provided that he may continue in office till his successor assumes office.

(*2*) A member of the Central Council shall hold office for a period of five years from the date of his election or nomination as the case may be.

(*3*) A member shall be deemed to have vacated his seat, if.

(*a*) he has remained absent without prior approval of the President from three consecutive meetings of the central council; or.

(*b*) he ceases to be enrolled in the state Register of Electro Homoeopathy for any reason whatsoever.

(*4*) A member of the Central Council shall be eligible for re-nomination.

(*5*) The Central Council shall appoint a Registrar who shall also act as secretary and employ such other persons as it deemes necessary to carry out the purposes of this Act.

(*6*) The Central Council shall, with the previous sanction of the Central Government, fix remuneration and allowances to be paid to the President and members and determine the conditions of service of the Registrar and the employees.

The Central and State Registers of Electro Homoeopathy.

10. (*1*) The Central Council shall cause to be maintained in the prescribed manner, a register of practitioners to be known as the Central Register of Electro Homoeopathy which shall contain the names of all persons who are for the time being enrolled on a State Register to be maintained by the State Government under sub-section 3 or any other law in force in that State.

(*2*) It shall be the duty of the Registrar of the Central Council to keep and maintain the Central Register of Electro Homoeopathy for the purposes of this Act and from time to time revise the register and publish it in the Gazette of India in such manner as may be prescribed.

(*3*) Each State Government shall maintain in the prescribed manner, a Register of practitioner in that State to be known as State Register of Electro Homoeopathy which shall contain the names of all eligible practitioners of that system.

(*4*) The Registrar of the Central Council may on receipt of the report of registration of a person in a State Register or on an application made in the prescribed manner by any person, enter his name in the Central Register:

Provided that the Registrar is satisfied that the person concerned is eligible under this Act for such registration.

(5) Every person whose name is for the time being borne on the Central Register of Electro Homoeopathy shall be entitled to practice Electro Homoeopathy in any part of India.

(*6*) The Central Council may prescribe standards of professional conduct and a code of ethics for the practitioners of Electro Homoeopathy.

(*7*) If the name of any practitioner is removed from the State Regiser for any reason prescribed in a state law in force, the Central Council shall direct the removal of the name of such person from the Central Register.

Miscellaneous provisions.

11. (*1*) The Central Council shall furnish such reports, copies of minutes abstracts of its accounts and other information to the Central Government as may be prescribed.

(*2*) (*a*) If the Central Government has reason to believe that the Central Council is not complying with any of the provisions of this Act, it may refer the matter to a commission of Inquiry consisting of three persons, two of whom shall be Judges of a High Court to be appointed by the Central Government and one person shall be appointed by the Central Council and such Commission shall inquire into the complaint in a summary manner and report its finds to the Central Government.

(*b*) If the charge of non-compliance is established on such inquiry the commission shall recommend the remedies which in its opinion are necessary.

(*3*) The Central Government may require the Central Council to adopt the remedies recommended by the Commissions and if, the Central Council fails to comply with any such requirement, the Central Government may take such steps as may be considered necessary to give effect to the recommendations of the Commission.

(*4*) A commission of inquiry shall have power to administer oath to enforce the attendance of witnesses and the production of documents and shall have all such other necessary powers for the purpose of any enquiry conducted by it as are exercised by a civil court under the Code of Civil Procedure, 1908. 5 of 1908.

Prosecution action taken in good faith.

12. No suit prosecution or other legal proceedings shall lie against the Government or the Central Council for anything in good faith done or intended to be done under this Act.

Power to make rules.

13. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purpose of this Act.

(*2*) Without prejudice to the generally of provision of sub-section (*1*) such rules may provide for,—

(*a*) the factors other than those mentioned in sub-section (*1*) to (*4*) of section 4 for granting permission to open a course in Electro Homoeopathy.

(*b*) the manner of election of the President of the Central Council.

(*c*) the management of the property of the Central Council and the maintenance and audit of its accounts.

(*d*) the resignation of members of the council.

(*e*) the powers and duties of the President.

(*f*) the manner of election of members to the Central Council.

(*g*) the conduct of professional examination, qualification of examiners and the conditions of admission to such examinations.

(*3*) The Central Council may, with the previous sanction of the Central Government make by notification in the Official Gazette, regulations to carry out the purposes of this Act and without prejudice to the generality of this Power, such regulations may provide for,—

(*a*) the form of application and the particulars to be attached there to seeking approval of the course in Electro Homoeopathy.

(*b*) minimum standards of medical education in respect of Electro Homoeopathy.

(*c*) the educational qualifications and other requirement of employees to be recruited the Central Council.

(*d*) medical qualifications which will be granted by the university/Board or other medical institutions.

(*e*) the manner of maintaining the Central Register.

(*f*) procedure for conducting meetings of the Central Council.

(*g*) the powers of the Registrar of the Central Council.

(*h*) Remuneration for the President and members of the Central Council.

(*i*) Any other matter in respect of which regulations are required to be made.

The Central Government shall cuase every rule and regulation made under this Act.

(*4*) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one sessions or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

Electro Homoeopthay is a system of medicine based on the extraction of plants' medical values by means of separation and reunification principle with the help of repeated distillation process. In Scientific term it is called "SPAGYRICAL COHOBATION".

The founder of this system, Dr. Count Cesare Mattei (1809—1896), who lived in Italy, discovered that the permanent cure for various ailments which afflict human beings lies in plants. Through long years of painstaking research, he perfected the methods of retracting the ever present medical values of plants and tried those medicines on patients. The trials were very successful which proved the soundness of his basic assumptions namely the plants contain great medicinal values which, if extracted, through a new process of repreated distillation could cure most of the ailments. Thus Electro Homoeopathy was born.

This system of treatment is presently being practiced in 19 States in India. The efficacy of this system is borne out by the fact that more than 10 lakhs patients are receiving treatment daily in different parts of India. Similarly, around 1 lakh doctors are using this system as experts and around 5 lakh persons are qualified in this system.

However, due to the non-recognition of this system of medicine by the Government its formal practice, research study, granting of qualifications and other related activities are not possible at present. Even though some states have allowed the practice of this system of medicine in the absence of a legal framework for its recognition it cannot make any progress. It is a time-tested system based on plants' medicinal values whose benefits have reached millions of people. It is, therefor the duty of the Government to recognize this system and help the ailing public get its benefits.

This Bill seeks to confer recognition on this important system of medicine.

Hence, this Bill.

E.M. SUDARSANA NATCHIAPPAN

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for Constitution of a Central Council. Clause 9 provides for appointment of Registrar and person for carrying out the purposes of this Act.

This Bill, therefore if enacted, will entail expenditure from the consolidated fund of India. The approximate expenditure both recurring and non-recurring may be of Rs. ten crore respectively.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill gives power to the Central Government for making rules and regulations by notification in the Official Gazette for carrying out the purposes of the Bill. The rules and regulation will relate to matters of details only.

The Delegation of legislative power is of normal character.

IX

BILL NO. XVIII OF 2015

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Bill, 2015.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 500 of Act 45 of 1860.

2. In section 500 of the Indian Penal Code, 1860, the following proviso shall be inserted, namely:—

"Provided that any person who defames Mohandas Karamchand Gandhi known as Mahatma Gandhi and referred to, with great reverence, as "the Father of the Nation", shall also be punished with imprisonment which may extend upto two years or with fine or with both".

STATEMENT OF OBJECTS AND REASONS

Mahatma Gandhi was a leader acclaimed throughout the world as messiah of peace. International figures like Nelson Mandela and Barack Obama have publicly expressed the relevance of Mahatma in today's world.

India would not have been a free country, had it not been for the political leaders in our country who worked under the leadership of Mohandas Karamchand Gandhi, known as Mahatma Gandhi and referred to as, with great reverence as "Father of the Nation". However, unfortunately, there is tendency growing in some sections of our society to demean the personality, philosophy and preaching of Mahatma Gandhi, since their views differ from the views of Gandhiji.

In recent times, Mahatma Gandhi is being defamed by certain political leaders and others by using defamatory language. Some persons leave no opportunity to denigrate Bapuji in unacceptable language which smacks of devoid of patriotism.

When we mention with great respect and recognition the role Gandhi in freedom movement and say *De Di Hame Aazadi Bina Khadag Bina Dhal Sabarmati Ke Sant Tune Kar Diya Kamaal. Aandhi Me Bhi Jalti Rahi Gandhi Teri Mashaal Sabarmati Ke Sant Tune Kar Diya Kamaal",* we have also to respect the feelings of millions of Indians.

It will, therefore, be in the fitness of things that those who defame Gandhiji are to be severely punished.

Hence, this Bill.

SHANTARAM NAIK

———

SHUMSHER K. SHERIFF,
Secretary-General.

PUBLISHED BY THE SECRETARY-GENERAL, RAJYA SABHA, UNDER RULE 68 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE RAJYA SABHA.

GMGIPMRND—504GI—01 -05-2015.